

THURSDAY, MARCH 5, 1987

SIXTEENTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Murray.

The proceedings were opened with prayer by Reverend Forrest Harris, Oak Valley Baptist Church, Oak Ridge, Tennessee.

Representative DeBerry led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present 95

Representatives present were: Bell, Bewley, Bivens, Bragg, Buck, Bushing, Byrd, Cain, Chiles, Clark, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--95.

The Speaker announced that Representative Burnett was excused because of personal business.

The Speaker announced that Representative Coffey was excused because of business in Oak Ridge.

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MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos. 107 and 115; both concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 37, 46, 249 and 404; and House Joint Resolutions Nos. 54, 55, 56, 57, 58, 59, 60, 61, 62, 65, 68, 69, 84, 85, 99 and 106; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No. 85; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

SIGNED

The Speaker announced that he had signed the following: Senate Joint Resolution No. 85; House Bills Nos. 37, 46 and 404; and House Joint Resolutions Nos. 54, 55, 56, 57, 58, 59, 60, 61, 62, 65, 68, 69, 84, 85, 99 and 106.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos. 118 and 119; both concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills

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Nos. 366, 437 and 594; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos. 54, 55, 56, 57, 58, 59, 60, 61, 62, 65, 68, 69, 84, 85, 99 and 106; also, House Bills Nos. 37, 46, 63 and 404; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No.:

95--Relative to honoring Girl Scouts 75th Anniversary; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.:

181--To regulate Emergency Communications Districts;

206--To regulate punishment, drag racing;

270--To regulate prisoner furloughs;

606--To clarify definition, marital property;

657--To regulate non-custodial parents; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

CALENDAR

House Bill No. 263--Licensing Motor Vehicles.

Mr. Rhinehart moved that House Bill No. 263 be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes 94
Noes 0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Bushing, Byrd, Cain, Clark, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Gaia, Garrett, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--94.

A motion to reconsider was tabled.

House Bill No. 444--Health Facilities.

Mr. Rhinehart moved that House Bill No. 444 be passed on third and final consideration.

Mr. Starnes moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 444 by deleting Sections one (1) through eleven (11) in their entirety and inserting in lieu thereof:

SECTION 1. This act shall be known and may be cited as the "Tennessee Health Planning and Resource Development Act of 1987."

SECTION 2. Tennessee Code Annotated, Sections 68-11-101 through 68-11-107 are repealed in their entirety.

SECTION 3. The following sections 4 and 5 are enacted as a new part to Title 68, Chapter 11, Tennessee Code Annotated.

SECTION 4. As used in this part, unless the context requires otherwise:

(a) "Ambulatory surgical treatment facility" means a facility which provides surgical treatment to patients not requiring hospitalization. The term does not include the offices of private physicians or dentists, whether individual or group practice;

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(b) "Certificate of need" means a permit granted by the health facilities commission to any person for the establishment or modification of a health care institution, facility, or covered health service, at a designated location;

(c) "Department" means the department of health and environment;

(d) "Facility" means any real property or equipment owned, leased, or used by a health care institution for any purpose, other than as an investment;

(e) (1) "Health care institution" means any agency, institution, facility, or place, whether publicly or privately owned or operated, (i) which provides health services and which is required to be licensed by the department of health and environment, or (ii) which is a psychiatric hospital licensed by the Department of Mental Health and Mental Retardation. This definition includes, but is not limited to, nursing homes, hospitals, home health care agencies, recuperation centers, psychiatric hospitals, outpatient diagnostic centers, ambulatory surgical treatment centers and medical laboratories.

(2) "Health care institution" shall not include:

(A) Ground ambulances and homes for the aged;

(B) Any premises occupied exclusively as the office of a physician or other professional practitioner licensed by this state and controlled by the practitioner including clinical and medical laboratories, for the purpose of conducting a personal practice independently of a health care institution as defined by this chapter; provided, however, the offices of a physician or other professional practitioner are subject to certificates of need if the offices provide major medical equipment for service to inpatients of a hospital as defined by commission regulation;

(C) Administrative office buildings of public agencies related to health care institutions;

(D) Christian Science sanatoriums operated, or listed and certified, by the First Church of Christ Scientist, Boston, Massachusetts;

(E) Any agency, institution, facility, or place which provides mental health and/or mental retardation services unless the agency, institution, facility, or place is a hospital, psychiatric hospital, tuberculosis hospital, skilled nursing facility, intermediate care facility, or ambulatory surgical center;

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(f) "Health facilities commission" and "commission" means the commission created by the part to administer the certificate of need program;

(g) "Health service" means clinically related (i.e., diagnostic, treatment, or rehabilitation) services and includes:

(1) Those services specified as requiring a certificate of need under subsection (g) of Section 5 below.

(2) All other health care services whether heretofore or hereafter developed or offered, requiring bed care of patients or the other supportive services of a health care institution, but "service" shall not include the lawful practice of any profession or vocation conducted independently of a health care institution and in accordance with applicable licensing laws of this state, unless such service is provided by major medical equipment upon which certificate of need coverage is required.

(h) "Letter of intent" means the form prescribed by the commission which shall require a brief project description, location, estimated project cost and description of services to be performed;

(i) "Licensed beds" are the number of beds licensed by the agency having licensing jurisdiction over the facility;

(j) "Home health care agency" means an agency licensed by the department which is staffed and organized to provide home health services to patients on an outpatient basis;

(k) "Major medical equipment" means a single unit of medical equipment or a single system of components with related functions which is used to provide medical and other health services and which costs more than the amounts determined under subsection (g) of Section 5 below. This term does not include equipment acquired by or for a clinical laboratory operated independently of a health care institution or physician's office. This term does not apply to any equipment not directly related to patient care;

(l) "Patient" means and includes, but is not limited to, any person who is suffering from an acute or chronic physical or mental illness or injury or who is crippled, convalescent, infirm, or mentally retarded, or who is in need of obstetrical, surgical, medical, nursing, psychiatric or supervisory care;

(m) "Person" means any individual, trust or estate, firm, partnership, association, stockholders, joint venture or corporation and insurance companies, the state of Tennessee and its political

subdivision or parts thereof, and any agencies or instrumentalities thereof, and any combination of persons herein specified, public or private, but "person" shall not include the United States or any agency or instrumentality thereof except in the case of voluntary submission to the regulations established by this part;

(n) "Psychiatric hospital" means a public or private hospital or institution, or part thereof, equipped to provide in Tennessee inpatient care and treatment of the mentally ill, or any similarly equipped state hospital under the supervision of the department of mental health and mental retardation.

(o) "To develop" when used in connection with health services means to undertake those activities which on their completion will result in the offer of a new institutional health service or the incurring of a financial obligation, as defined under applicable state law, in relation to the offering of such a service;

(p) "To offer" when used in connection with health services means that the health care facility holds itself out as capable of providing, or as having the means for the provision of, specific health services.

SECTION 5.

(a) It is hereby declared to be the public policy of this state that the establishment and modification of health care institutions, facilities and services, shall be accomplished in a manner which is orderly, economical and consistent with the effective development of necessary and adequate means of providing for the health care of the people of Tennessee. To this end, the provisions of this section shall be equitably applied to all health care entities, regardless of ownership or type, except those owned and operated by the United States government.

(b) There is hereby created a health facilities commission which shall have jurisdiction and powers relating to the certification of need and related reporting of all health care institutions, as defined by and subject to this chapter.

(1) The health facilities commission shall have thirteen (13) members appointed by the governor, including the commissioner of health and environment, commissioner of mental health and mental retardation, and the state comptroller, or their designees; six (6) members as representatives of the general public, as consumers knowledgeable of health needs and services; an executive officer of a hospital from a list of three (3) nominees submitted by the Tennessee Hospital Association; one (1) nursing home administrator from a list of three (3) nominees submitted by the Tennessee Health Care Association; one (1) duly licensed physician from a list of

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three (3) nominees submitted by the Tennessee Medical Association; and one (1) executive officer of a home health agency from a list of three (3) nominees submitted by the Tennessee Association of Home Health.

(2) The governor, in appointing consumer members to the commission, shall do so with the ultimate purpose of having at least one representative from each of the three grand divisions of the state. The consumer members shall be persons who are knowledgeable of health needs and services and who are further knowledgeable by training or experience in health care facility design or construction, financing of health care services or construction, reimbursement of health care services, or general health care economics.

(c) Duly appointed members of the health facilities commission, created by Public Acts 1979, chapter 347 (now repealed), shall continue to serve and fill the aforementioned respective membership positions on the commission until the expiration of the term of office to which they were appointed. No member of the commission shall serve beyond the expiration of his or her term, whether or not a successor has been appointed by the governor. Commission members shall be appointed for a 3 year term.

(d) Each member of the commission shall receive fifty dollars (\$50.00) per diem when actually engaged in the discharge of his official duties, and in addition, shall be reimbursed for all travel and other necessary expenses. All expenditures shall be claimed and paid in accordance with the provisions of the comprehensive travel regulations as promulgated by the department of finance and administration, and approved by the attorney general.

(e) The commission, at its first meeting in each fiscal year, shall elect from its members a chairman, a vice-chairman, and such other officers as it may deem necessary. Meetings of the commission shall be held as frequently as its duties may require. Nine (9) members shall constitute a quorum, but a vacancy on the commission shall not impair its power to act. No action of the commission shall be effective unless such action is concurred in by a majority of its members present and voting. In the event of a tie vote, the action shall be considered disapproved. The commission shall record by name the votes taken on all actions of the commission.

(f) In addition to the powers granted elsewhere in this part, the commission shall have the following duties and responsibilities:

(1) To receive and consider applications for certificates of need, to review recommendations thereon, and to grant or to deny certificates of need on the basis of the merits of such applications within the context of the local, regional and state health needs and plans, in accordance with the provisions of this section;

(2) To promulgate rules for the following purposes:

(A) To establish specific, uniform guidelines and procedures to be used by all agencies and contractors in reviewing applications for certificate of need;

(B) To require periodic reports by health care institutions which have been issued a certificate of need under this act;

(C) To determine the maximum amount of capital expenditure which may be made by the facility pursuant to each certificate of need;

(D) To establish a procedure for the issuance of a certificate of need upon emergency application where an unforeseen event necessitates the issuance of a certificate of need to protect the public health, safety and welfare, and where the public health, safety and welfare would be unavoidably jeopardized by compliance with procedure established under other provisions of this part;

(E) To establish procedures to permit review by competing health care facilities of an application for a certificate of need, including notice of intent and application forms;

(F) To interpret or make specific application of this part, but not to vary or deviate from the provision of this part, nor to extend its power and jurisdiction to matters not provided for in such sections.

(g) (1) On or after June 1, 1987, no Person may perform the following actions in the state except after applying for and receiving a grant of a certificate of need for the same:

(A) The construction, development, or other establishment of any type of health care institution;

(B) Modification of a health care institution's facilities (exclusive of activities involving major medical equipment covered by subparagraph (F) below), including additions to such facilities, where such modification requires a capital expenditure

greater than \$1,500,000. For the twelve month period beginning July 1, 1988, and for each successive twelve month period beginning on July 1, the \$1,500,000 in the preceding sentence shall be increased by \$250,000 until; the amount of \$2,000,000 is reached for the twelve month period beginning July 1, 1989. Acquisition of real property as an investment, not for immediate use in support of the physical operations of the health care institution shall not be deemed a modification; provided, however, that the cost of such property (or its value when acquired by lease, loan, or gift) shall be included to the extent required by commission rules as a part of the total cost of any later proposed project for the improvement, development, or use of the property in a manner which does modify the institution's facilities or services. This provision does not apply to any capital expenditure not directly related to patient care;

(C) In the case of a health care institution: (i) any change in the bed complement which increases by one or more the total number of licensed beds, or redistributes beds between acute and long-term care categories, or relocates beds to another facility or site, regardless of cost; provided, however, a nursing home may increase or decrease the total number of licensed beds by the lesser of ten (10) beds or ten percent (10%) of its licensed capacity over any period of one (1) year without the necessity of obtaining a certificate of need, but subject to any reporting requirements which the commission may impose by regulation. In reviewing applications for certificates of need for new nursing home beds, the commission shall consider the extent to which the need for such beds has been met by expansion of existing facilities pursuant to this section. When the institution is of a class whose capacity is not subject to state licensure, the institution's customary operating capacity shall be used as the basis for determining whether there is a change in bed complement; (ii) establishment of an alcohol and drug abuse service provided under a systematic program of care longer than twenty-eight (28) days.

(D) Initiation of any of the following health care services: burn units, cardiac catheterization services, neonatal nursery, open heart surgery, positron emission tomography, swing beds, and home health services. After July 1, 1989, cardiac catheterization shall be excluded from the above list of health care services.

(E) A change in the location or replacement of existing or certified facilities except for home health agencies as permitted by commission rules; or

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(F) The acquisition of any item of major medical equipment by persons for service to inpatients, the cost of which exceeds \$1,500,000. For the twelve month period beginning July 1, 1988, and for each successive twelve month period beginning on July 1, the dollar threshold in the preceding sentence shall be increased by \$250,000, until the amount of \$2,000,000 is reached for the twelve month period beginning July 1, 1989.

(2) No agency of the state, or of any county or municipal government, shall approve any grant of funds for, or issue any license to, a health care institution for any portion or activity thereof which is established, modified, relocated, changed, or resumed, or which constitutes a covered health care service, in a manner in violation of the provisions of this section. However, nothing in this section shall prohibit a properly constituted health, educational and housing facilities corporation under part 3, chapter 3 of title 48 from making loans to health care institutions in anticipation of expenditures for equipment acquisitions in advance of receiving a certificate of need under the following conditions:

(A) Any such loan agreement shall require that all required certificates must be obtained in accordance with this section for any equipment acquired by loaned funds; and

(B) The acquisition of equipment shall not constitute the establishment of a covered health service.

(3) (A) All applications shall be commenced by the filing of a letter of intent giving a brief description of the subject matter of the application and the process whereby interested parties may request a public hearing. The letter of intent shall be filed at least twenty (20) days, but not more than thirty (30) days, prior to the commencement of the review cycle in which the application is to be considered. At the time of filing, the applicant shall cause the letter of intent to be published in a newspaper of general circulation in the county wherein the proposed project is to be located.

(B) Persons desiring to compete for a certificate of need for which a letter of intent has been filed shall file with the commission a letter of intent within twenty (20) days after publication by the original applicant. A copy of same shall also be mailed or delivered to the original applicant and published in a newspaper of general circulation in the same county as the original application. The commission may refuse to consider an applicant as a competing applicant if it finds that the applicant would not be a competitor of the original applicant under rules of the commission.

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(h) (1) Applications for a certificate of need, including competing applications, may not be considered unless filed with the commission within such time as to assure such application is deemed complete in accordance with rules of the commission and to enter the appropriate review cycle. Review cycles shall be on a monthly basis beginning on a date established by commission rule. Written notice of the beginning of the review of an application for certificate of need will be made by the commission to affected persons.

(2) No certificate of need shall be granted unless the action proposed in the application for such certificate is necessary to provide needed health care in the area to be served, can be economically accomplished and maintained, and will contribute to the orderly development of adequate and effective health care facilities and/or services. Specific criteria for certification of need shall be prescribed by rules of the commission.

(3) Each application filed with the commission shall be accompanied by a nonrefundable examination fee which shall be fixed by regulation of the commission according to a schedule based on the types and scope of project proposed.

(4) Copies of the application shall be forwarded by the commission to the appropriate agency for review.

(i) (1) The department of health and environment and department of mental health and mental retardation shall review each application whose subject matter is within their respective jurisdictions according to the process described in the rules of the health facilities commission and criteria promulgated pursuant to this part.

(2) Upon request by interested parties, the department of health and environment shall conduct a public hearing on the application in the area in which the project is to be located, and shall conduct such further studies and inquiries on the application necessary to evaluate the application pursuant to the rules of the health facilities commission.

(3) Reviewing agencies shall have no more than sixty (60) days from the commission notice required by this part to file its written report with the commission. A copy of the evaluation made by the department shall be forwarded to the applicant, and to the commission, and shall be made available to others upon their request.

(j) (1) The commission shall, upon consideration of an application and review of the evaluation and other relevant information made thereon:

(A) Approve part or all of the application and grant a certificate of need for the same, upon any lawful conditions which the commission deems appropriate and enforceable on the grounds that those parts of the proposal appear to meet applicable criteria;

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(B) Disapprove part or all of the application and deny a certificate of need for the same on the grounds that the applicant has not affirmatively demonstrated that those parts of the proposal meet the applicable aforementioned criteria;

(C) Defer decisions for no more than forty (40) days to obtain clarification of information concerning applications properly before the commission; and/or

(D) Defer decisions for other good cause if requested by an applicant and if there are no competing applicants whose applications are then being concurrently considered with the applicant.

(2) Written notice of the determination by the commission approving, disapproving, or deferring a decision on the application, or parts thereof, shall be transmitted to the applicant, competing applicants, the department, and to others upon request.

(3) A capital expenditure which is required to:

(A) Eliminate or prevent imminent safety hazards as defined by federal, state, or local fire, building, or life safety codes or regulations;

(B) Comply with state licensure standards; or

(C) comply with accreditation standards required to receive reimbursements under titles XVIII or XIX of the Social Security Act, shall be granted approval unless a finding is made that the facility or service for which the capital expenditure is intended is not needed or is not consistent with the state health plan.

(4) If the commission fails to make a decision on an application within ninety (90) days, a certificate shall not be issued by the commission and immediate notice thereof given to the applicant.

(k) (1) Within thirty (30) days from the date of the commission's written decision, the applicant, any person who filed directly with the commission a prior objection to the granting of a certificate of need, or any person upon good cause shown, may petition the commission in writing for a hearing, in the case of a commission approval or dismissal of an application. Upon receipt of such a petition, the commission shall hold a hearing to consider the issues

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raised by the petitioning party. The procedure for petitioning the commission and the time within which a hearing shall be convened shall be determined pursuant to commission rule. At the hearing, no issue may be raised nor evidence considered concerning the merits of a competing applicant, unless the competing applicant met the requirements of this part for concurrent consideration with the application which is the subject of the hearing.

(2) A hearing held by the commission shall be convened and conducted in accordance with Tennessee Code Annotated, Sections 4-5-301, et seq., and shall commence within forty-five (45) days of receipt by the commission of the petition. Written notice of the hearing, stating its time and place and any other information required by law, shall be mailed, no fewer than twenty (20) days prior to the hearing to the applicant, to the petitioner, and to those individuals who made previous formal recommendations on the application, and to others upon request.

(3) Within forty-five (45) days after the hearing, the commission shall make an order granting or denying a certificate of need or revoking the certificate of need previously granted. The order shall be in a manner prescribed by law, and shall contain the commission's findings and conclusions. The commission shall send a copy of this order to all persons who have entered an appearance at the hearing by registered or certified mail, and to others upon request. Judicial review of the commission's decision shall be as provided for by law for such hearings.

(l) The commission shall, at least annually, review progress on any project covered by an issued certificate of need, may require a showing by the holder of such certificate of substantial and timely progress to implement the project, and if, in the opinion of the commission, such progress is lacking, may revoke the certificate of need.

(m) (1) The commission, in addition to the powers and duties expressly granted by this part, is authorized and empowered to petition any circuit or chancery court having jurisdiction to enjoin any person who is performing any of the actions specified in subsection (g) of this section without possessing a valid certificate of need for the same.

(2) Jurisdiction is conferred upon the circuit and the chancery courts of the state to hear and determine such causes as chancery causes, and to exercise full and complete jurisdiction in such injunctive proceedings.

(n) The commission shall employ a director qualified by experience and training and such other professional staff as may be necessary to discharge the duties imposed by this part.

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(o) The Tennessee health facilities commission, or its successor, shall within ten (10) days after each approval of additional hospital and/or nursing home beds, submit to the chairmen of the senate and house finance, ways and means committees a statement reflecting the estimated impact on future state appropriations and/or expenditures of such commission's actions approving additional beds.

SECTION 6. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 7. This act shall take effect on July 1, 1987, the public welfare requiring it.

Mr. Lawson moved that House Bill No. 444 be placed on the Calendar for Monday, March 9, 1987, which motion prevailed.

House Bill No. 563--Unclaimed Property Agent.

Mr. Rhinehart moved that House Bill No. 563 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Bushing, Byrd, Cain, Chiles, Clark, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--95.

A motion to reconsider was tabled.

House Bill No. 542--Exemption from execution or garnishment.

Mr. Rhinehart moved that House Bill No. 542 be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes 95
Noes 0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Bushing, Byrd, Cain, Chiles, Clark, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--95.

A motion to reconsider was tabled.

House Bill No. 97--Tennessee Code Annotated.

Mr. Rhinehart moved that House Bill No. 97 be passed on third and final consideration.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 97 as follows:

SECTION 1 is amended by inserting the following immediately prior to the word "if" in the amendatory language:

Such payments to impacted areas shall be made during the period of construction activity and, based on the last year of entitlement according the Section 67-9-101(a)(3), for a period of three (3) full fiscal years after completion or cessation of such construction activity. Provided, however, such payments shall be phased out over the three (3) year period by decreasing the payment made in the last year of activity by an additional twenty-five percent (25%) each year, being seventy-five percent (75%) during the first year after the last year of entitlement, fifty percent (50%) during the second year after the last year of entitlement, and twenty-five percent (25%) during the third year after the last year of entitlement. Any remaining funds apportioned by Section 67-9-101(a)(3) in any fiscal year, not to exceed ten percent (10%) of the total of such impact funds, shall be

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allocated by the comptroller of the treasury to the University of Tennessee for use in operating the County Technical Assistance Service in its Institute for Public Service. Such funds shall be used for studies and research in county government, publications, education, consultative and field services to counties in problems relating to fiscal administration, accounting, tax assessment and collection, economic development, environmental concerns, conservation, improvements and public works, and in any and all matters relating to county governments.

On motion the amendment was adopted.

Thereupon, House Bill No. 97, as amended, passed its third and final consideration by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Bushing, Byrd, Cain, Chiles, Clark, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--95.

A motion to reconsider was tabled.

House Bill No. 368--Non-tenured teachers.

Mr. Rhinehart moved that House Bill No. 368 be passed on third and final consideration.

Mr. Davidson moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 368 by deleting the amendatory language in Section 1 in its entirety and by substituting in lieu thereof the following:

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() To require the superintendent of schools to provide written notice to non-tenured teachers of specific reasons for failure of re-election pursuant to the continuing contract law and to provide the teacher an opportunity to file a written rebuttal.

On motion, the amendment was adopted.

Mr. Swann moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 368 by adding the following at the end of the amendatory language of Section 1:

Nothing in the provisions of this subsection shall be construed to grant any legal right to any teacher who has not been re-elected after receiving written notice pursuant to this subsection to any continued employment, compensation or benefits, regardless of the reasons given.

Mr. Rhinehart moved that Amendment No. 2 be tabled, which motion prevailed by the following vote:

Ayes	51
Noes	45

Representatives voting aye were: Bell, Bragg, Bushing, Byrd, Clark, Cross, Curlee, Davidson, DeBerry, DePriest, Dixon, Drew, Ellis, Gaia, Garrett, Good, Head, Hillis, Hurley, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, King, Long, Love, Miller, Moore (Lawrence), Naifeh, Napier, Odom, Phillips, Pruitt, Purcell, Rhinehart, Robinson (Hamilton), Shirley, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Wheeler, Whitson, Winningham, Wix, Yelton and Mr. Speaker Murray--51.

Representatives voting no were: Bewley, Bivens, Cain, Chiles, Collier, Copeland, Crain, Davis (Cocke), Davis (Gibson), Davis (Knox), Duer, Frensley, Harrill, Hassell, Hawkins, Henry, Herron, Hobbs, Holcomb, Holt, Huskey, Kent, Kisber, Lawson, May, McAfee, Montgomery, Moody, Moore (Shelby), Nance, Peroulas, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Stafford, Stallings, Swann, Tankersley, Tanner, Webb, Williams, Wolfe and Wood--45.

Thereupon, House Bill No. 368, as amended, passed its third and final consideration by the following vote:

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Ayes	57
Noes	39

Representatives voting aye were: Bell, Bragg, Buck, Bushing, Byrd, Cain, Clark, Collier, Crain, Cross, Curlee, Davidson, Davis (Knox) DeBerry, DePriest, Dixon, Drew, Ellis, Garrett, Good, Hillis, Hurley, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, King, Long, Love, May, Miller, Moore (Lawrence), Naifeh, Napier, Odom, Phillips, Pruitt, Purcell, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Shirley, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Wheeler, Whitson, Winningham, Wix, Yelton and Mr. Speaker Murray--57.

Representatives voting no were: Bewley, Bivens, Chiles, Copeland, Davis (Cocke), Davis (Gibson), Duer, Frensley, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hobbs, Holcomb, Holt, Huskey, Kent, Kisber, Lawson, McAfee, Montgomery, Moody, Moore (Shelby), Nance, Peroulas, Ridgeway, Scruggs, Severance, Stafford, Stallings, Swann, Tankersley, Tanner, Webb, Williams, Wolfe and Wood--39.

A motion to reconsider was tabled.

House Bill No. 556--LEAs.

On motion, House Bill No. 556 was made to conform with Senate Bill No. 173.

On motion, Senate Bill No. 173, on same subject, was substituted for House Bill No. 556.

Mr. Cain moved that Senate Bill No. 173 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Byrd, Cain, Chiles, Clark, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King,

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Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--95.

A motion to reconsider was tabled.

House Bill No. 311--Extend term Education Commissioner.

Mr. Moore (Lawrence) moved that House Bill No. 311 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	92
Noes	4
Present and not voting	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Bushing, Byrd, Cain, Chiles, Clark, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wood, Yelton and Mr. Speaker Murray--92.

Representatives voting no were: Copeland, Kernell, Moody and Wolfe--4.

Representative present and not voting was: Stafford--1.

A motion to reconsider was tabled.

House Bill No. 521--To Amend TCA, Title 47, Chapter 9.

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Mr. Rhinehart moved that House Bill No. 521 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Bushing, Byrd, Cain, Chiles, Clark, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--97.

A motion to reconsider was tabled.

Mr. Speaker Murray relinquished the Chair to Ms. DeBerry Speaker pro tem.

House Bill No. 240--"Pretreatment Enforcement Act".

Mr. West moved that House Bill No. 240 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 240 by deleting from Section 1 the language and punctuation "Local administrative office" and substituting instead the language and punctuation "Local administrative officer".

AND FURTHER AMEND by deleting from Section 1 the definition of "Local Hearing Authority" in its entirety and substituting instead the following:

() "Local hearing authority" means the administrative board created pursuant to an approved pretreatment program which is responsible for the administration and enforcement of that program and the provisions of this act.

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AND FURTHER AMEND by deleting from the amendatory language of subsection (b) of Section 4 the words "shall be in lieu of" and by substituting instead the words "may be in addition to".

Mr. West moved to amend Amendment No. 1 as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 1

AMENDMENT NO. 1

Amend Amendment No. 1 by adding the following language to the end thereto:

AND FURTHER AMEND by adding the following language to the end of the amendatory language of Section 4(b):

Provided, however, the sum of penalties imposed by this section and by Tennessee Code Annotated, Section 69-3-115(a) shall not exceed ten thousand dollars (\$10,000) per day for each day during which the act or omission continues or occurs.

Mr. Starnes moved that House Bill No. 240, as amended, be placed on the Calendar for Monday, March 9, 1987, which motion prevailed.

House Bill No. 133--Regional Historic Zoning.

Mr. Scruggs moved that House Bill No. 133 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 133 by adding the following language as a new section immediately preceding the effective date section to be appropriately numbered, renumbering the effective date section accordingly:

SECTION __. The provisions of this act shall not apply in any county having a metropolitan form of government and having a population of not less than four hundred thousand (400,000) nor more than five hundred thousand (500,000), according to the 1980 federal census or any subsequent federal census.

On motion, the amendment was adopted.

Thereupon, House Bill No. 133, as amended, passed its third and final consideration by the following vote:

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Ayes 96
Noes 0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Bushing, Byrd, Cain, Chiles, Clark, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--96.

A motion to reconsider was tabled.

Mr. Whitson moved that House Bill No. 433 be placed on the Calendar for Monday, March 9, 1987, which motion prevailed.

FURTHER CONSIDERATION OF HOUSE JOINT RESOLUTION NO. 40

House Joint Resolution No. 40--Amend Constitution, taxes.

Mr. Hobbs moved that House Joint Resolution No. 40 be passed on second reading.

At the request of the sponsor, House Joint Resolution No. 40 was read by the Clerk.

Thereupon, as required by Article XI, Section 3, Constitution of Tennessee, House Joint Resolution No. 40 passed its second reading by the following vote:

Ayes 79
Noes 18

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Bushing, Byrd, Cain, Clark, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Head, Henry, Herron, Hillis, Hobbs, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, King, Kisber, Lawson, Long, Love, May, Miller, Montgomery, Moore

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(Lawrence), Moore (Shelby), Naifeh, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Shirley, Stafford, Stallings, Swann, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe and Mr. Speaker Murray--79.

Representatives voting no were: Bewley, Chiles, Copeland, Harrill, Hassell, Hawkins, Holcomb, Kent, McAfee, Moody, Nance, Robinson (Hamilton), Severance, Starnes, Tankersley, Turner (Hamilton), Wood and Yelton--18.

A motion to reconsider was tabled.

Mr. Bivens moved that House Bill No. 384 be placed on the Calendar for Monday, March 9, 1987, which motion prevailed.

CONSENT CALENDAR

House Bill No. 265--Leave benefits State Employees.

On motion, House Bill No. 265 was made to conform with Senate Bill No. 357.

On motion, Senate Bill No. 357, on same subject, was substituted for House Bill No. 265.

House Bill No. 337--Hunting and Fishing licenses.

On motion, House Bill No. 337 was made to conform with Senate Bill No. 383.

On motion, Senate Bill No. 383, on same subject, was substituted for House Bill No. 337.

House Bill No. 336--Federal Migratory Waterfowl Stamp.

On motion, House Bill No. 336 was made to conform with Senate Bill No. 628.

On motion, Senate Bill No. 628, on same subject, was substituted for House Bill No. 336.

House Joint Resolution No. 100--Congratulate Sarita Jones.

House Joint Resolution No. 101--Congratulate Brent York.

House Joint Resolution No. 102--Congratulate Amy Jones.

House Joint Resolution No. 104--Congratulate Patsy Mathews.

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House Joint Resolution No. 108--Honor memory of Frederick Vernon Bark.

House Joint Resolution No. 114--Congratulate Paris Little League.

House Bill No. 1192--Blount County School Board.

House Bill No. 1193--Macon County Attorney.

Mr. Phillips moved that all House and Senate Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions on the Consent Calendar be adopted, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Bushing, Byrd, Cain, Chiles, Clark, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--96.

A motion to reconsider was tabled.

INTRODUCTION OF RESOLUTIONS

House Joint Resolution No.116--Corridor J Project--By Jared, Hillis, Rhinehart, Winningham, McAfee and Wood.

The Speaker referred House Joint Resolution No. 116 to the Committee on Transportation.

House Joint Resolution No. 117--Proclaim Police Memorial Day--By Jared, Rhinehart and Davidson.

Under the rules, House Joint Resolution No. 117 was referred to the Committee on Calendar and Rules.

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(Lawrence), Moore (Shelby), Naifeh, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Shirley, Stafford, Stallings, Swann, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe and Mr. Speaker Murray--79.

Representatives voting no were: Bewley, Chiles, Copeland, Harrill, Hassell, Hawkins, Holcomb, Kent, McAfee, Moody, Nance, Robinson (Hamilton), Severance, Starnes, Tankersley, Turner (Hamilton), Wood and Yelton--18.

A motion to reconsider was tabled.

Mr. Bivens moved that House Bill No. 384 be placed on the Calendar for Monday, March 9, 1987, which motion prevailed.

CONSENT CALENDAR

House Bill No. 265--Leave benefits State Employees.

On motion, House Bill No. 265 was made to conform with Senate Bill No. 357.

On motion, Senate Bill No. 357, on same subject, was substituted for House Bill No. 265.

House Bill No. 337--Hunting and Fishing licenses.

On motion, House Bill No. 337 was made to conform with Senate Bill No. 383.

On motion, Senate Bill No. 383, on same subject, was substituted for House Bill No. 337.

House Bill No. 336--Federal Migratory Waterfowl Stamp.

On motion, House Bill No. 336 was made to conform with Senate Bill No. 628.

On motion, Senate Bill No. 628, on same subject, was substituted for House Bill No. 336.

House Joint Resolution No. 100--Congratulate Sarita Jones.

House Joint Resolution No. 101--Congratulate Brent York.

House Joint Resolution No. 102--Congratulate Amy Jones.

House Joint Resolution No. 104--Congratulate Patsy Mathews.

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House Joint Resolution No. 108--Honor memory of Frederick Vernon Bark.

House Joint Resolution No. 114--Congratulate Paris Little League.

House Bill No. 1192--Blount County School Board.

House Bill No. 1193--Macon County Attorney.

Mr. Phillips moved that all House and Senate Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions on the Consent Calendar be adopted, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Bushing, Byrd, Cain, Chiles, Clark, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--96.

A motion to reconsider was tabled.

INTRODUCTION OF RESOLUTIONS

House Joint Resolution No.116--Corridor J Project--By Jared, Hillis, Rhinehart, Winningham, McAfee and Wood.

The Speaker referred House Joint Resolution No. 116 to the Committee on Transportation.

House Joint Resolution No. 117--Proclaim Police Memorial Day--By Jared, Rhinehart and Davidson.

Under the rules, House Joint Resolution No. 117 was referred to the Committee on Calendar and Rules.

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House Joint Resolution No. 120--Congratulate Mrs. Etta Nesbitt Coleman--By Herron.

Under the rules, House Joint Resolution No. 120 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 122--Honor Fidelity Federal Savings and Loan--By West, Bushing, Clark, Pruitt, Garrett, Purcell, Odom, Love, Ellis and Robinson (Davidson).

Under the rules, House Joint Resolution No. 122 was referred to the Committee on Calendar and Rules.

SENATE JOINT RESOLUTION

Senate Joint Resolution No. 95--Relative to honoring Girl Scouts 75th Anniversary.

Under the rules, Senate Joint Resolution No. 95 was referred to the Committee on Calendar and Rules.

INTRODUCTION OF BILLS

House Bill No. 1198--Abandoned Mineral Interests Act--By Cross.

Passed first consideration.

House Bill No. 1199--Haywood County Court--By Crain.

Passed first consideration.

House Bill No. 1200--Amends Lynville Charter--By DePriest.

Passed first consideration.

House Bill No. 1201--Makes appropriation for 1986 and 1987 fiscal years--By Bragg, Naifeh, Burnett, Chiles, Ivy, Rhinehart, Jared, Copeland and Mr. Speaker Murray.

Passed first consideration.

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House Bill No. 1202--\$92 million bond bill for state--By Bragg, Naifeh, Chiles, Burnett, Ivy, Rhinehart, Jared, Copeland and Mr. Speaker Murray.

Passed first consideration.

House Bill No. 1203--Decatur County wheel tax--By Ivy.

Passed first consideration.

House Bill No. 1204--Decatur County hotel/motel tax--By Ivy.

Passed first consideration.

House Bill No. 1205--Decatur County severance tax--By Ivy.

Passed first consideration.

SENATE BILLS ON FIRST CONSIDERATION

Senate Bills Nos. 22, 137, 170, 203, 274, 371, 480, 546, 609, 730, and 854.

Passed first consideration.

HOUSE BILL ON SECOND CONSIDERATION

House Bill No. 1196--Re-Names Alexandria, Tennessee.

Passed second consideration and held without reference.

SECOND ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Bell, Bewley, Bivens, Bragg, Buck, Bushing, Byrd, Cain, Chiles, Clark, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensey, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas,

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Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--97.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos. 70, 73, 74, 75, 78, 79, 80, 81 and 82; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 37, 46, 63 and 404; and House Joint Resolutions Nos. 54, 55, 56, 57, 58, 59, 60, 61, 62, 65, 68, 69, 84, 85, 99 and 106; for his action.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Joint Resolutions Nos. 61, 99 with his approval.

DAVID H. WELLES,
Counsel to the Governor.

REPORT OF COMMITTEE ON CALENDAR AND RULES

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Monday, March 9, 1987: House Bills Nos. 122, 362, 490, 259 and 353.

PHILLIPS, Chairman.

LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES

In accordance with Rule No. 48, the following local bills, having received authorization for passage by the local legislative delegation, were transmitted to the Committee on Calendar and Rules: House Bills Nos. 1187 and 1196.

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REPORT OF COMMITTEE ON CALENDAR AND RULES

CONSENT CALENDAR

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bills on the Consent Calendar for Monday, March 9, 1987: House Bills Nos. 555, 23, 144; House Joint Resolutions Nos. 117, 120, 122; and House Bills Nos. 1187 and 1196 and Senate Joint Resolutions Nos. 86 and 95.

PHILLIPS, Chairman.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors to the bills as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 302--Turner (Hamilton)

House Bill No. 433--Turner (Hamilton)

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 97, 133, 263, 311, 368, 521, 542, 563, 1192 and 1193; and House Joint Resolutions Nos. 100, 101, 102, 104, 108 and 114; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bills Nos. 3, 72, 167, 171, 264, 445, 592, 595 and 613; and House Joint Resolutions Nos. 48, 50 and 52 with his approval.

DAVID H. WELLES,
Counsel to the Governor.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills

THURSDAY, MARCH 5, 1987--16th LEGISLATIVE DAY

Nos. 94 and 235; both substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos. 80, 81 and 82; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.:

- 24--To regulate charter, sanitary districts;
- 43--To regulate Business Tax Act, antique malls;
- 52--To make certain retention, payroll, certain state employees;
- 119--To make certain changes, corporate fiduciaries;
- 145--To regulate taxation, use of certain property;
- 292--To reduce work force, state government;
- 434--To regulate disclosure, certain divorce obligations;
- 479--To regulate inspection fee, public utilities;
- 514--To regulate Wetlands Acquisition Compensation Fund;
- 537--To authorize use, surplus school buildings, house juvenile offenders;
- 562--To regulate financing, improvement by assessed value;
- 620--To regulate Consolidated Retirement System;
- 734--To define drug paraphernalia;
- 932--To regulate taxes, property, electric systems;
- 946--To extend temporary tax increase, certain beverages; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

THURSDAY, MARCH 5, 1987--16th LEGISLATIVE DAY

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 155, 532, 723, 743, 744, 1188, 1189 and 1191; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No.:

88--Relative to commanding Dr. H. M. Anderson; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

On motion of Mr. Naifeh, the House adjourned until 5:00 p.m., Monday, March 9, 1987.